

ASSEMBLY BILL

No. 1388

Introduced by Assembly Member Ridley-Thomas

February 22, 2005

An act to add Section 14666.9 to the Government Code, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1388, as introduced, Ridley-Thomas. State property: access by communication networks.

Existing law requires the Director of General Services to compile and maintain an inventory of state-owned real property that may be available for lease to providers of wireless telecommunications services for location of wireless telecommunications facilities and to provide, upon payment of any appropriate fee, a requesting party a copy of the inventory. The director is authorized to negotiate and enter into an agreement to lease department-managed and state-owned real property to any provider of wireless telecommunications services for location of its facilities, subject to specified criteria.

This bill would enact the Digital Opportunity Act of 2005, to require the director, no later than May 1, 2006, and annually thereafter, to submit a report on the implementation of these provisions to the Legislature, the Department of Finance, and the Public Utilities Commission. It would also require the director, no later than January 1, 2007, to report to the Legislature, the Department of Finance, and the Public Utilities Commission on the extent to which the residents in each census tract in the state have or are likely to have access to advanced communications services networks by 2011.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) It is the intent of the Legislature to promote the accelerated deployment of next-generation broadband networks in California, irrespective of the technological platform used to deploy those services, whether through wireless, Internet, cable, satellite, or telecommunications networks.

(b) Information and advanced communications services are the foundations for California's continued technological and economic leadership. It has been estimated that the widespread deployment of information and advanced communications services networks can generate an increase of over \$300 billion in the states' incremental gross domestic product and nearly two million new jobs for the State of California over a 10-year period.

(c) Accelerated deployment of information and advanced communications services infrastructure is a critical component of the state's economic development and an improved quality of life for its constituency.

(d) In order to support the goal of accelerated deployment of information and advanced communications services, state entities should ensure prompt access to public lands by expediting and streamlining rights-of-way access for the deployment of information and advanced communications services infrastructure.

SEC. 2. Section 14666.9 is added to the Government Code, to read:

14666.9. (a) This section shall be known and may be cited as the Digital Opportunity Act of 2005.

(b) It is the public policy of the state to do all of the following:

(1) Ensure that all communities in the state have access to advanced communications services networks.

(2) Promote the availability of a wide range of communications services to residents of this state at reasonable cost, including the rapid accelerated deployment of information and advanced communications services networks in the state.

(3) Encourage and expedite the introduction of new services, the entry of new providers, and the development of new

1 technologies, and increase investment in the communications
2 services infrastructure of this state.

3 (4) Improve the opportunities for economic development and
4 the delivery of communications services.

5 (c) Notwithstanding Section 7550.5, no later than May 1,
6 2006, and annually thereafter, the Director of General Services
7 shall submit a status report to the fiscal and policy committees of
8 the Legislature, the Department of Finance, and the Public
9 Utilities Commission on the implementation of Section 14666.8,
10 which shall include, but not be limited to, the following
11 information:

12 (1) A summary of the number of sites and location of real
13 property identified pursuant to Section 14666.8.

14 (2) Efforts by the director to ensure that providers of wireless
15 telecommunications facilities are aware of the availability of the
16 inventory developed pursuant to Section 14666.8.

17 (3) The number of providers of wireless telecommunications
18 facilities that have acquired the inventory developed pursuant to
19 Section 14666.8.

20 (4) The number of providers that have requested access to
21 state-owned real property.

22 (5) The number of providers that have been granted access to
23 state-owned real property.

24 (6) An estimate of the number of providers that will request
25 and be granted access to state-owned real property by July 1,
26 2011, and the anticipated revenues that will be generated for the
27 Digital Divide Account pursuant to subdivision (b) of Section
28 280.5 of the Public Utilities Code.

29 (d) Notwithstanding Section 7550.5, no later than January 1,
30 2007, the Director of General Services, in consultation with the
31 Director of Transportation and the Public Utilities Commission,
32 shall report to the fiscal and policy committees of the Legislature,
33 the Department of Finance, and the Public Utilities Commission
34 on the extent to which the residents in each census tract in the
35 state have or are likely to have access to advanced
36 communications services networks by 2011. The report shall
37 identify areas within census tracts that are not likely to have
38 access to advanced communications services networks by 2011,
39 identify the issues or barriers to access, and potential solutions

- 1 for encouraging the deployment of advanced communications
- 2 services networks in those regions.
- 3 (e) Nothing in this section alters the rights provided to
- 4 telegraph or telephone corporations pursuant to Section 7901 of
- 5 the Public Utilities Code.

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